THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.22055 OF 2006

ORAL ORDER:

This writ petition is filed aggrieved by the alleged action of the 1st respondent-Additional Agent to Government (Project Officer, Integrated Tribal Development Agency, Bhadrachalam, in not disposing of C.M.A.No.16/2004.

The material on record shows that the petitioner made an application on 20.9.2006 before the 1st respondent alleging that the respondents 2 and 3 are in possession of the land situated in agency area in contravention of the provisions of the A.P. Scheduled Areas (Land Transfer) Regulation 1 of 1959. It is pleaded that though the said complaint has been taken on file as C.M.A.No.16 of 2004, the same has not been decided so far. Hence, this writ petition.

The learned Government Pleader for Social Welfare under instructions stated that the primary authority being the Special Deputy Collector, Social Welfare, the application, if any, made before the 1st respondent is not maintainable.

On the other hand, the learned counsel for the petitioner contended that under Section 3(2)(a) of the Regulation 1 of 1959, proceedings for ejectment can be instituted before the Agent, the Agency Divisional Officer or any other prescribed Officer.

It is not necessary for this Court to express any opinion as to the maintainability of the application presented before the 1st respondent at this stage. Since, admittedly, the proceedings are pending before the 1st respondent, it is open to both the parties to urge the said issue, in which event, the same will be decided in accordance with law.

Accordingly, the writ petition is disposed of with a direction to the 1st respondent to dispose of C.M.A.No.16 of 2004 in accordance with law after hearing both the parties, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a

copy of this order. It is made clear that this Court has not expressed any opinion as to the maintainability of the proceedings before the 1st respondent and it is open to the 1st respondent to pass appropriate orders in accordance with law

The writ petition is accordingly disposed of. No costs.

(G. ROHINI, J.)

27th November, 2006.
Issue CC in two days.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.22055 OF 2006

27th November, 2006.

Between:

V. Amose. .. Petitioner.

And

The Additional Agent to Government
(Project Officer, ITDA),
Bhadrachalam, Khammam district and others. .. Respondents.